

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Endowment – Revision petition filed by Sri Palla Simhadri Rao, against the orders dated:03.11.2008 of the Commissioner of Endowments Department regarding appointment of the Executive Officer in FAC of the post of E.O. of Sri Durgamamba Ammavari Temple, Golla Kancharapalem, Vishakapatnam - Dismissed – Orders – Issued.

REVENUE(ENDOWMENTS-1)DEPARTMENT
G.O.Rt.No. 1013 **Dated.26 .07.2010.**
Read the following:-

- 1) Proceedings of the C.E.D., Rc.No.G4/38754/2000, dated.03.11.2000.
- 2) Revision Petition filed by Sri Palla Simhadri Rao.

* * *

ORDER:

The Commissioner of Endowments Department in his proceedings first read above, has issued orders appointing the Executive Officer Sri Durgamamba Ammavari Temple, Velampeta Vishakapatnam in F.A.C. of the post of Executive Officer of Sri Durgamamba Ammavari Temple, Golla Kancharapalem, Vishakapatnam District

2. Aggrieved by the above orders, Sri Palla Simhadri Rao, has filed W.P.No.24046 of 2000 in the Hon'ble High Court and obtained interim directions on 07.12.2000 in W.P.M.P.No.30707 of 2000 in the said W.P. The Hon'ble High Court in its orders dated.13.02.2008 has dismissed the said WP as devoid of merits. Aggrieved by the above orders, he has filed W.A. and the Hon'ble High Court in its order dated:16.02.2009 has dismissed the W.A. as well as W.P.No.24046 of 2000 as withdrawn with liberty to the appellant to pursue THE remedy available under law and it is open for the parties to agitate their grievance before appropriate Forum.

3. In view of the above, the petitioner has filed the Revision Petition u/s 93 of the Act 30/87 contending that there is no authority with in the 1st respondent i.e. Commissioner of Endowments Department to appoint an Executive Officer to a temple of this magnitude where the income is not more than two or three thousand rupees per month and with as expenditure double the amount and having no other source of income or even having any assets. He has further contended that the temple itself is standing in a small extent of 50 to 60 Sq. Yards. Moreover, the temple cannot be considered as a temple coming within the purview of the A.P. Charitable ad Hindu Religious Institutions and Endowments Act, 1987. Consequently, the appointment which apparently should be U/s 29 of the Act is not applicable. He has further contended the proceedings dated:03.11.2000 are arbitrary and illegal in as much as no notice whatsoever was given to the petitioner, so , the order dated:03.11.2000 is violative of principles of natural justice. He has contended that no Notice, whatsoever, was given to the two Societies concerned i.e. Sri Rama Seva Samajam (Yadava) (Regd.No.262/77) and the petitioner society

(Regd.No.1495/93). Till now, the Executive Officer . has not served even the order under which he proposed to have been appointed for him to take charge. At present the Management is with the petitioner society registered under the Societies Registration Act and the entire control is with the society and its board.

4. The case was heard on 07.05.2010. The party appeared in person and reiterated the contents raised in the Revision Petition. Endowments Department apprised that Sri Durgamamba Ammavari Temple, Golla Kancharapalem, Vishakapatnam is a public religious Institution which was constructed by philanthropic public at large and the worship of Temple is by public at large and thus it is defined, under section 2(27) of the Act 1987 as a public religious Institution. The religious Institution is presently at under the management of Sri K.Dalayya, person in charge. The main source of the income of the subject temple is by votive of offering and Pooja rusums. The person in-charge has furnished income return for the year 1999 – 2000 and also paid an amount of Rs.8,643/- under T.R.No.18311, dated.12.06.2000 towards contribution levied under Sec.65 of the Act 30/87. The institution was assessed at Rs.52,378/- for the year 2000 – 2001. One Sri Simhadri Rao forcibly entered in to the temple premises on 05.07.2000 and stolen about Rs.10,000/- for which a complaint was lodged in 5th town Police Station. The person in charge informed that he frequently entered into the temple with a group of henchmen and created unhealthy situation in the temple premises. Therefore, a complaint was made by the person in charge addressed the Circle Inspector, 5th Town Police Station VSP vide the office Rc.no.A1/3062/2000, dt.26.07.2000, with a request to prevent Sri Simhadri Rao and others from unauthorized entry into the temple. The annual income of the Institution is Rs.4,50,000/- for the year 2008–09. The Commissioner of Endowments Department is competent to appoint an Executive Officer U/s 29 of the Act to any religious and charitable Institution published U/s 6 of the Act in the intent of better administration. The representative of CED has represented that he has filed this R.P. with a malafide intention of grabbing the temple management and swallowing the temple funds. He has suppressed the facts and filed this R.P. It is also falsely stated by the petitioner that the alleged Rama Seva Sangham is no way concerned to the temple. Hence, the above contentions of the petitioner are not correct.

5. The case was heard on 07-05-2010. The party appeared in person and reiterated the contents raised in the Revision petition. The petitioner has no valid rights to prevent the posting of Executive Officer of the subject temple. Moreover, the way in which the petitioner has conducted himself while entering the premises of the temple warrants deterrent action. Government have therefore, do not find any valid grounds to interfere with the impugned proceedings dt.03.11.2000 of the Commissioner of Endowments Department. The revision petition is hereby dismissed as it is devoid of merits.

6. The Commissioner of Endowments Department shall take further necessary action in the matter and also direct the Executive Officer of the Subject Temple to pursue the complaint already lodged with the police.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.V.RAMANA CHARY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Endowments Department Hyderabad.

Sri Botta Apparao Chairman.
Durgamamba Alaya Abhivruddi Kamiti
Door No. 56-6—2, Golla Kancharapalem,
Visakhapatnam-8.
Copy to; O.S.D.to M(Endts)

//FORWARDED BY ORDER//

SECTION OFFICER